



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/609,008

06/27/2003

Brett Error

32021-08054

8329

758

7590

06/14/2006

FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW, CA 94041

EXAMINER

PADMANABHAN, KAVITA

ART UNIT

PAPER NUMBER

2161

DATE MAILED: 06/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/609,008

Applicant(s)

ERROR ET AL.

Examiner

Kavita Padmanabhan

Art Unit

2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-21, 33-42 and 54-63 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-21, 33-42, and 54-63 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/10/03, 1/12/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. Claims 12-21, 33-42, and 54-63 are pending.
2. Claims 1-11, 22-32, and 43-53 have been canceled.
3. Claims 12-21, 33-42, and 54-63 are rejected.

Election/Restrictions

4. Applicant's election without traverse of Group II, claims 12-21, 33-42, and 54-63, in the reply filed on 3/6/06 is acknowledged.

Information Disclosure Statement

5. The information disclosure statement filed 1/12/04 fails to comply with 37 CFR 1.98, which requires that for each cited pending unpublished U.S. application, the application specification including the claims, and any drawing of the application, or that portion of the application which caused it to be listed including any claims directed to that portion be provided, and also requires that each U.S. patent application publication listed in an information disclosure statement be identified by applicant, patent application publication number, and publication date. It has been placed in the application file, but the information referred to therein has not been considered.

Specification

6. The disclosure is objected to because of the following informalities:

The serial numbers of the related applications are missing at par [0002] and par [0003].

Appropriate correction is required. The citations above are not meant to be exhaustive, and are provided as examples. The applicant is advised to correct other similar errors as required throughout the specification.

Drawings

7. Figures 1-3 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

8. The drawings are objected to because the contents of many of the figures, including figures 5-6 and 9A-16, are not clear or legible. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets

Art Unit: 2161

may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 101

9. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

10. **Claims 54-63** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 54 recites a computer program product comprising a computer-readable medium and computer program code. The applicant's specification does not appear to explicitly define a "computer program product" and based on par [0127] and [0129] of applicant's specification, it appears that the computer-readable medium could comprise a signal per se, which is not statutory subject matter. **Claims 55-63** are similarly rejected based on their dependence of claim 54.

The examiner will apply prior art to these claims as best understood, with the assumption that applicant will amend to overcome the stated 101 rejections.

Claim Rejections - 35 USC § 102

Art Unit: 2161

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

12. **Claims 12-21, 33-42, and 54-63** are rejected under 35 U.S.C. 102(e) as being anticipated by **Kasriel et al.** (US2003/0128231, hereinafter “Kasriel”).

In regards to **claim 12**, **Kasriel** teaches a computer-implemented method for capturing and presenting node sequence data, comprising:

- receiving input designating a target path comprising a sequence of nodes, the target path further comprising at least one wild card (**Kasriel; par [0033], par [0035]**);
- retrieving, from a stored log, a plurality of records comprising node sequence data (**Kasriel; par [0019], par [0023], par [0027], lines 5-13; par [0039]**);
- filtering the retrieved records to identify records corresponding to node sequences that match the target path (**Kasriel; pars [0038]-[0039]**); and
- outputting a report based on the identified records (**Kasriel; par [0021], par [0037], lines 5-11, par [0039]**).

In regards to **claim 13**, **Kasriel** teaches the method of claim 12, wherein the node sequence data comprises website visitation path data, and wherein each node corresponds to at least one web page (**Kasriel; par [0019], par [0021]**).

In regards to **claim 14**, **Kasriel** teaches the method of claim 13, further comprising, prior to retrieving the plurality of records:

- monitoring web page visits (**Kasriel; par [0019], pars [0038]-[0039]**); and
- storing, in the log, records representing the monitored web page visits (**Kasriel; par [0019], par [0023], par [0027], lines 5-13**).

In regards to **claim 15**, **Kasriel** teaches the method of claim 12, wherein the target path comprises a node corresponding to an entry point (**Kasriel; par [0033], par [0035]**).

In regards to **claim 16**, **Kasriel** teaches the method of claim 12, wherein the target path comprises a node corresponding to an exit point (**Kasriel; par [0033]**).

In regards to **claim 17**, **Kasriel** teaches the method of claim 12, wherein outputting the report comprises outputting a report indicating relative frequencies of occurrence of node sequences (**Kasriel; pars [0021] – [0022], par [0037], lines 5-11**).

In regards to **claim 18**, **Kasriel** teaches the method of claim 12, wherein outputting the report comprises outputting a report indicating relative frequencies of occurrence of node sequences that match the target path (**Kasriel; pars [0021] – [0022], par [0037], lines 5-11, par [0039]**).

In regards to **claim 19**, **Kasriel** teaches the method of claim 12, wherein outputting the report comprises outputting a graph including lines depicting node sequences, wherein a visual characteristic of the lines indicates relative frequency of occurrence of node sequences (**Kasriel; pars [0020] – [0022], par [0037], lines 5-11; please also see 2003/0131097, par [0030] – [0031], which has been incorporated by reference into Kasriel, for more detail**).

In regards to **claim 20**, **Kasriel** teaches the method of claim 19, wherein the visual characteristic is thickness (**Kasriel; par [0037], lines 5-11; please also see 2003/0131097, pars [0030] – [0031], which has been incorporated by reference into Kasriel, for more detail**).

In regards to **claim 21**, **Kasriel** teaches the method of claim 19, wherein the visual characteristic is color (**Kasriel; pars [0020] – [0022], par [0037], lines 5-11; please also see 2003/0131097, par [0030] – [0031], which has been incorporated by reference into Kasriel, for more detail**).

Claims 33-42 are rejected with the same rationale given for claims 12-21, respectively.

Claims 54-63 are rejected with the same rationale given for claims 12-21, respectively.

Conclusion

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Kavita Padmanabhan** whose telephone number is **571-272-8352**. The examiner can normally be reached on Monday-Friday, 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kavita Padmanabhan
Assistant Examiner
AU 2161

June 11, 2006

KP.


UYEN LE
PRIMARY EXAMINER